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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/013,057	10/30/2001	Kenji Terasawa	SCEITO 3.0-096	8282

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EXAMINER

SKED, MATTHEW J

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/013,057	TERASAWA ET AL.	
	Examiner	Art Unit	
	Matthew J. Sked	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-9,11-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 11-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 8, 15 and 22 have been considered but are moot in view of the new ground(s) of rejection.
2. The objection to claim 21 is withdrawn in view of the amendment received 4/17/06.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 7, 8, 14, 15, 21 and 22 rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima et al. (U.S. Pat. 6,529,875).

As per claims 1, 8, 15 and 22, Nakajima teaches an entertainment apparatus, method, storage unit and executable program with which a voice input device for receiving a voice input from a player is usable, the entertainment apparatus comprising:

character control means for controlling the operation of a game character (generates control signals for the video game, abstract);

sound interval extracting means for extracting information of a relative sound interval from the voice of the player received through said voice input device (extracts

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information from the inputted voice to compare with stored spectral word information for voice recognition, col. 6, lines 8-26);

sound volume extracting means for extracting information of a sound volume from the voice of the player received through said voice input device (extracts the volume, col. 11, line 57 to col. 12, line 29);

reference voice data storage means for storing voice data as an evaluation reference about the relative sound interval and the sound volume with respect to the voice to be inputted by the player (recognition data and volume level data are stored for comparison, col. 6, lines 8-26 and col. 11, lines 16-25); and

wherein said character control means periodically compares said extracted information of the relative sound interval and said extracted information of the sound volume with the voice data as said evaluation reference, and determines operation contents of the character on the basis of results of the comparison (game unit performs a variety of operations depending on the result of the comparison of the voice recognition and volume level determination, col. 11, lines 3-45);

wherein said character control means makes the character perform an operation according to a result of the evaluation (game unit performs a variety of operations depending on the result of the comparison of the voice recognition and volume level determination, col. 11, lines 3-45).

5. As per claims 7, 14 and 21, Nakajima teaches the character control means compares said extracted information of the sound volume and the voice data of the sound volume as said evaluation reference, and as a result of this comparison, said

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control means exaggerates a behavior of the character as the extracted sound volume is larger than the sound volume as the evaluation reference, and moderates the behavior of the character as the extracted sound volume is smaller than the sound volume as the evaluation reference (depending on the determined volume level a different movement is performed, col. 11, lines 30-45 and col. 12, lines 31-42).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Ozawa et al. (U.S. Pat. 6,538,666).

As per claim 2, 9 and 16, Nakajima does not teach a guide display means for indicating contents of the voice to be inputted by the player.

Ozawa teaches a guide display means for indicating contents of the voice to be inputted by the player (displays the possible verbal inputs the user can say in different colors before the user speaks the commands, col. 16, lines 57-66).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Nakajima to have a guide display means for indicating contents of the voice to be inputted by the player as taught by Ozawa because, as Ozawa teaches, it would prevent the user from uttering words at random because they

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do not know which words to enter, which prevents the player from losing interest in the game (col. 16, lines 66-67 and col. 17, lines 1-2).

8. Claims 4, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Ozawa and taken in further view Comerford et al. (U.S. Pat. 6,748,361).

Nakajima and Ozawa do not teach an expression mode display means for indicating an expression mode of the voice to be inputted by the player.

Comerford teaches a personal speech assistant that prompts the user to speak louder or to use certain command words that the application would recognize (col. 18, lines 42 to col. 19, line 5).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Nakajima and Ozawa to have an expression mode display means for indicating an expression mode of the voice to be inputted by the player as taught by Comerford because it would indicate to the user the appropriate way to express the input so as to obtain the preferred output hence making the system more user-friendly.

9. Claims 5, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Bellomo et al. (U.S. Pat. 6,766,299).

Nakajima does not teach said character control means changes a regenerating speed of said image data on the basis of the difference between timing for indicating

contents of the voice to be inputted by said player and timing for starting the input of the voice by the player.

Bellomo et al. (U.S. Pat. 6,766,299), cited in the previous Office Action, teaches a speech controlled animation system that allows the animation to speak in the user's voice. Each phoneme from the phoneme train of the user is mapped to a mouth shape animation sequence where similar mouth shapes corresponding to similar phonemes are mapped together into one event (col. 7, lines 13-60). Therefore, with a constant sampling rate (col. 5, lines 18-28) the faster the user speaks the more likely the phonemes are to be different at each sampling interval thus giving a sequence of events without much grouping and more changes in animation frames hence giving faster animation.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Nakajima so that the character control means changes a regenerating speed of said image data on the basis of the difference between timing for indicating contents of the voice to be inputted by said player and timing for starting the input of the voice by the player as taught by Bellomo because it would give the animation a better appearance to have the sound and image synchronized and using a reference timing would give a fast and accurate calculation of the rate of the user's speech which would speed up processing.

10. Claims 5, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Yamamoto (U.S. Pat. 6,577,998).

Nakajima does not teach that said character control means compares said extracted information of the relative sound interval and the voice data of the relative sound interval as said evaluation reference, and, as a result of the comparison, said character control means exaggerates an expression of the character as the extracted relative sound interval is higher than the relative sound interval as the evaluation reference, and moderates the expression of the character as the extracted relative sound interval is lower than the relative sound interval as the evaluation reference

Yamamoto teaches that said character control means compares said extracted information of the relative sound interval and the voice data of the relative sound interval as said evaluation reference, and, as a result of the comparison, said character control means exaggerates an expression of the character as the extracted relative sound interval is higher than the relative sound interval as the evaluation reference, and moderates the expression of the character as the extracted relative sound interval is lower than the relative sound interval as the evaluation reference (lips are oscillated according to changes in the frequency of the input voice, hence a high frequency would oscillate the lips more than a low frequency hence exaggerating and moderating the expression of the character, col. 8, lines 59-63).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Nakajima so that said character control means compares said extracted information of the relative sound interval and the voice data of the relative sound interval as said evaluation reference, and, as a result of the comparison, said character control means exaggerates an expression of the character



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as the extracted relative sound interval is higher than the relative sound interval as the evaluation reference, and moderates the expression of the character as the extracted relative sound interval is lower than the relative sound interval as the evaluation reference because it would allow the exaggeration of a character movement to be controlled by more than just the volume hence giving a more robust character control.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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06/19/06



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